

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
THE IT GROUP, INC., et al.,	:	Case No. 02-10118 (MFW)
	:	Jointly Administered
Debtors.	:	
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IT LITIGATION TRUST,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1268-KAJ
	:	
DANIEL A. D'ANIELLO, et al.,	:	
	:	
Defendants.	:	

ORDER

At Wilmington this 3rd day of **May, 2006**.

A telephonic conference was held in the above captioned matter and related matters *Thomas L. Payne, et al. v. Anthony J. DeLuca, et al.*, U. S. District Court, West District of Pennsylvania, C.A. No. 02-1927; *Howard G. Clair, et al. v. Anthony J. DeLuca, et al.*, U.S. District Court, Western District of Pennsylvania, C.A. No. 0288; *Staro Asset Management, LLC v. Anthony J. DeLuca, et al.*, U.S. District Court, Western District of Pennsylvania, C.A. No. 02-0886; *Highland Capital Mgmt, L.P., et al. v. TC Group, et al.*, Delaware Superior Ct. No. 04C-06-068-RRC; *Highland Capital Mgmt., L.P., et al. v. Ernst & Young, et al.*, Dis. Ct. Tx, C. A. No. 03-04530; and *Federal Insurance Co. v. D'Aniello*, U.S. District Court, Western District of PA, C. A. No.

05-0305 with counsel on behalf of the parties in attendance. The purpose of the teleconference was to determine the interest in mediating some or all of these matters, particularly since the defendants are the same in each case. As a result of discussions with counsel and due to the procedural status of the various cases, involving pending motions to dismiss, it was clear that scheduling mediation in some or all of the matters is presently premature.

As a result of the discussions with counsel during the telephonic conference,

IT IS ORDERED that:

1. A telephonic conference is scheduled for **Monday, June 19, 2006 at 5:00 p.m. EST. Counsel for plaintiff in the IT Litigation Trust matter shall initiate this teleconference.** The purpose of the teleconference is to confirm the status of the various matters, to determine which cases, if any, will be scheduled for mediation in August 2006, the mediation submissions (whether joint or not), page limitations of submissions, if there are joint submissions, the additional pages needed for confidential matters, attendance of decisions makers and the mechanics of the mediation. Counsel for plaintiffs in the related cases and counsel for defendants shall advise plaintiff's counsel in the IT Litigation Trust matter no later than **Thursday, June 15, 2006**, who on behalf of their respective clients, will be participating in the June 19, 2006 teleconference. Plaintiff's counsel in the IT Litigation Trust matter shall fax or email the Magistrate Judge a list of the participants prior to the scheduled teleconference.

2. Since the related cases involve matters in other jurisdictions, Richard Wayne, Esquire shall provide a copy of this Order to counsel in the related cases.

3. No communication with the Magistrate Judge shall be efiled in this court or any court. Communication shall be by telephone, email or fax. Any communication sent by fax need not be followed by an original.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE